

U.S. DISTRICT COURT
FILED

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DISTRICT OF UTAH

BY:

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IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

MICHAEL J. FRENCH,

Plaintiff,

v.

AMERICAN AIRLINES, INC. and
INSURANCE COMPANY OF THE STATE
OF PENNSYLVANIA,

Defendants.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

Case No. 2:10-cv-000527

Judge Dee Benson

Before the Court is the Report and Recommendation issued by United States Magistrate Judge David Nuffer on November 1, 2010, recommending the District Court grant American Airlines' Motion to Dismiss and Motion for Injunction. The parties were notified of their right to file objections to the Report and Recommendation within fourteen (14) days after receiving it. Neither party has filed such an objection.

Having reviewed all relevant materials, including the reasoning set forth in the Magistrate Judge's Report and Recommendation, the Court ADOPTS the Report and Recommendation. Accordingly, the Court hereby:

- (1) GRANTS American Airlines' motion to dismiss;

(2) GRANTS American Airlines' motion for injunction; and

(3) ORDERS that Michael J. French is enjoined from proceeding as a plaintiff against American Airlines, Inc. for any claim arising out of Mr. French's December 20, 2004, injury without the representation of a licensed attorney admitted to practice in this court, unless he first obtains permission to proceed *pro se*. To do so, he must present the following documents:

1. Petition Pursuant to Court Order Seeking Leave to File a *Pro Se* Action. Mr. French shall attach a copy of this Order to the petition. The Petition shall include a list of all lawsuits in the United States District Court for the District of Utah, Tenth Circuit Court of Appeals and state courts in which Mr. French is or was a party; name and citation of each case; and status or disposition of each case. The Petition shall also contain Mr. French's mailing address.
2. A copy of the complaint or claims sought to be filed with the court with the applicable fee. The complaint must comply with the Federal Rules of Civil Procedure and all Local Rules of Practice.

These documents shall be presented to the Clerk of the Court who shall forward them to the Chief Judge for review. In making a determination whether to allow Mr. French to proceed *pro se*, the Chief Judge shall consider whether Mr. French has fully complied with this Order; whether the complaint complies with the Federal Rules of Civil Procedure and the Local Rules of Practice; whether the complaint is frivolous, abusive, harassing or malicious; and whether the claims have been previously raised and disposed of by any federal or state court. If the court enters an order granting the petition, the Clerk of the Court shall file the complaint and materials as of the date of the order. If the Chief Judge does not approve the petition, the material submitted shall be returned via U.S. Mail to the address provided by Mr. French.

IT IS SO ORDERED.

Dated this 23rd day of November, 2010.



Dee Benson
United States District Judge